IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

RCRev..No. 187 of 2007()

RCA.76/2001 of RENT CONTROL APPELLATE AUTHORITY, THRISSUR
RCP.78/1993 of RENT CONTROL COURT,THRISSUR
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REVISION PETITIONER/APPELLANT/SECOND CR.PETITIONER

MERCY, AGED 42,
W/O.OLLUKARAN JOSEPH JOHNSON,
KIZHAKUMPATUKARA DESOM, THRISSUR VILLAGE,
THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: RESPONDENTS/PETITIONERS 2 TO 8 &
CR.PETITIONERS1&3
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1. RAVEENDRAN, AGED 40,
S/O.VADAKATH KRISHNAN, KURIACHIRA DESOM,
CHIYYARAM VILLAGE, THRISSUR TALUK.

2. V.K.RAJU, S/O.VADAKATH KRISHNAN,
WARD NO.13, HOUSE NO.641, KODUNGALLUR,
THRISSUR DISTRICT.

3. V.K.RAJENDRAN, S/O VADAKATH KRISHNAN,
KURIACHIRA DESOM, CHIYYARAM VILLAGE,
THRISSUR TALUK.

4. V.K.NIRMALA, D/O.VADAKATH KRISHNAN,
W/O.VALSAN, THOTTAPURATH HOUSE, PALUVAI DESOM,
CHAVAKKAD, THRISSUR DISTRICT.

5. V.K.BABU, S/O.VADAKKATH KRISHNAN,
VADAKATH HOUSE, THAPOVANA VIHAR, COTTAGE-3,
VENGINISSERY, THRISSUR DISTRICT.

6. V.K.RADHA, D/O V.S.KRISHNAN,
W/O.VISWANATHAN, KOLAZHIKARAN HOUSE,
KANNAMKULANGARA, THRISSRU-7.

7. V.K.VIJAYAN, S/O VADAKKATH KRISHNAN,
2-C ITERI ROAD, KILLIPALAYAM, KALAVAMPETTY ROAD,
SELAM-15, TAMILNADU.

8. ANTO, S/O CHETTUPUZHAKARAN VAREED,
SOORYAGRAMAM, KIZHAKUMPATUKARA DESOM,
THRISSUR VILLAGE, THRISSUR TALUK.

9. BEENA, W/O KUNNAPILLY DAVIS JOHN,
MISSION QUARTERS, THRISSUR VILLAGE,
THRISSUR TALUK.

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

R.C.R.No.187 OF 2007

Dated 20th June, 2007

ORDER

Koshy,J.

When the case came up for hearing, learned counsel for the revision petitioner submitted that the revision petitioner was in occupation of the building from 1991 onwards and the only prayer pressed is that a breathing time should be given for vacating the building. It is also submitted that there is no arrears of rent. In these circumstances, we confirm the order of eviction under Section 11 (3) of the Kerala Buildings (Lease and Rent Control) Act passed by the authorities below on concurrent findings of facts. However, considering the circumstances of the case, we grant four months' time for evicting the petitioner from the petition schedule building on condition that the petitioner files an affidavit within one month from today before the execution court averring that she will hand over vacant possession of the building before the expiry of four months from today, that she has paid arrears of rent, if any, as on 30.6.2007, that she will continue to pay rent till she hand over vacant possession of the building to the landlord and that she will not create any third party rights in the property. Since only a

breathing time is asked, we dispose of this petition without issuing notice to the landlord. If the affidavit is not filed within one month as directed, respondents are free to execute the order of eviction passed by the court below.

Registry shall send a copy of this order by Speed Post to the first respondent immediately at the expense of the petitioner.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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